

ATTACHMENT B
AFFIDAVIT OF BUREAU OF ALCOHOL, TOBACCO, FIREARMS, and EXPLOSIVES
TASK FORCE OFFICER EVAN G. NICHOLSON

I, Evan G. Nicholson, Task Force Officer (TFO) of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being first duly sworn, do hereby depose and state the following:

1. I am employed at the Springfield Police Department as a detective and am assigned as a Task Force Officer (TFO) with the ATF. I have been employed as a police officer since January 2015. I am currently assigned to the ATF and have been since 2023. I am authorized to investigate violations of laws of the United States under Title 18, and I am a law enforcement officer with the State of Missouri (Springfield, Greene County). I have participated in a wide variety of criminal investigations, to include domestic assaults, assaults, homicides, weapons violations, robberies, drug and gang crimes, crimes against children, and other violent and non-violent crimes. Additionally, I have participated in the preparation and/or execution of many searches and arrests.

2. This affidavit is in support of a criminal complaint charging Marco Lorimer DENIS with possession of a firearm by a prohibited person – misdemeanor crime of domestic violence, in violation of Title 18, United States Code, Section 922(g)(9).

3. The information in this affidavit is information known to me as a result of my participation in this investigation or is information that has been communicated to me by other law enforcement investigators or witnesses, involved in this investigation. The dates and times in this affidavit are approximate. Because the purpose of this affidavit is to set forth only those facts necessary to establish probable cause for this criminal complaint, I have not described all the relevant facts and circumstances of which I am aware.

STATUTORY AUTHORITY

4. 18 U.S.C. § 922(g)(9) prohibits any person who has been convicted in any court of a misdemeanor crime of domestic violence to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

PROBABLE CAUSE

5. On July 14, 2024, members of SPD responded to a report of a domestic assault involving Marco DENIS as the suspect. As a result of SPD's investigation, DENIS was charged with domestic assault in the first degree, domestic assault in the first degree, domestic assault in the third degree, and kidnapping, in the Circuit Court of Greene County, Missouri, in Case No. 2431-CR02811.

6. During the course of the domestic assault and kidnapping investigation, SPD Detective Gower Anderson executed multiple state search warrants at DENIS's residence, located at 2620 South Skyline Drive, Springfield, Greene County, Western District of Missouri, on July 15 and 16, 2024. During the service of those search warrants, the following firearms were seized:

- a. A Standard Manufacturing, model DP-12, 12-gauge, pump-action shotgun, bearing serial number DP04691.
- b. A Maverick by Mossberg, model 88, 12-gauge, pump-action shotgun, bearing serial number MV14929L.
- c. A Ruger, model SR22, .22 caliber, semi-automatic pistol, bearing serial number 36450684.
- d. A Smith & Wesson, model SW40VE, .40 caliber semi-automatic pistol, bearing serial number PBR4832.

- e. A Canik, model TP9 Elite Combat, 9mm, semi-automatic pistol, bearing serial number 20BN16825.
- f. A Sig Sauer, model P226 Elite, 9mm, semi-automatic pistol, bearing serial number 47A114229.
- g. A Bersa, model Thunder 380 CC, .380, semi-automatic pistol, bearing serial number F77954.
- h. A Charter Arms, model Pathfinder, .22 caliber, revolver, bearing serial number 1411828.

7. The Maverick model 88, the Smith & Wesson model SW40VE, the Canik model TP9 Elite Combat, and Bersa model Thunder 380 CC firearms were all located in a safe in a spare bedroom closet. The Ruger model SR22 and Charter Arms model Pathfinder firearms were located in opposing nightstands on each side of the bed in the master bedroom. The Sig Sauer model P226 was located in the driver's side door panel of a black Cadillac Escalade bearing Missouri license plate 7YEU57, registered to DENIS. The Standard Manufacturing model DP-12 was located on a shelf in the spare closet that also contained a safe. Multiple items belonging to DENIS were located in the residence, including credit cards found in the living room, business cards found in the master bedroom, and mail addressed to DENIS that was located in the safe. A general bill of sale for the Ruger S22 as also located during the search. The bill of sale listed DENIS as a buyer of a Ruger SR22, with a serial number of 36450684, and the seller being "Lanty TYLER." The general bill of sale was dated February 24, 2015. A receipt for the Canik model TP9 Elite Combat with serial number 20BN16825, dated December 17, 2020, was taped to the gun case containing the Canik firearm. The receipt was from Anchor Tactical Supply, LLC, and read "Bill To: marco denis."

Finally, a City Utilities check showed that DENIS was the person paying utilities at 2620 South Skyline Drive.

8. In reviewing DENIS's history with SPD, I found multiple reports involving allegations that DENIS had brandished a firearm during disturbances. On January 14, 2021, Detective Ramsey conducted a phone interview with DENIS about one of the reported disturbances. During the interview, Detective Ramsey asked DENIS if he had a gun, and he stated that everyone in Missouri had a gun. Detective Ramsey asked again if DENIS had a gun, and DENIS responded, "Of course I have a gun. Everybody have a gun." Detective Ramsey asked what DENIS's gun looked like, and DENIS explained that the whole gun looked like camouflage. Detective Ramsey asked if he had any other guns, and DENIS said he did have more guns at his house. DENIS stated he did not carry a gun on him, but he carried a gun in his car. Detective Ramsey asked what his other guns at home looked like, but DENIS said he was not going to tell Detective Ramsey about every gun he had. He said he had several guns and he told Detective Ramsey it was not illegal to have guns.

9. On July 17, 2024, ATF TFO Eric Pinegar and I examined all eight firearms seized from DENIS's residence and determined that they were all firearms under the Gun Control Act of 1968, and all appeared to be in working condition.

10. I provided the descriptions and photographs of the eight firearms to ATF Firearms Interstate Nexus Expert and Special Agent (SA) Brian Fox. Based upon the information provided to SA Fox, he determined that none of the above-mentioned firearms were manufactured in the State of Missouri, thus they would have had to travel in interstate and/or foreign commerce to arrive in the State of Missouri and before or during the time the firearms were possessed by DENIS.

11. I reviewed DENIS's criminal history and found that on April 30, 2003, DENIS pled guilty to the misdemeanor offense of domestic assault in the third degree by recklessly causing physical injury to the victim by pulling her hair, in the Circuit Court of Greene County, Missouri, in Case No. 31302CM12659. At the time of the domestic assault, the defendant and his victim were adults who had a child in common. He was represented by an attorney at his plea. He was sentenced to 120 days imprisonment, with the sentence suspended, and he was placed on 2 years of probation.

12. Based on the above facts, this affiant believes there is probable cause in support of a criminal complaint against Marco Lorimer DENIS, for violation of 18 U.S.C. § 922(g)(9), that is, possession of a firearm by a prohibited person – misdemeanor crime of domestic violence.

I swear/affirm that the above information is true and correct to the best of my knowledge and belief.



EVAN G. NICHOLSON.
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to before me via telephone on the 26th day of July, 2024.



HONORABLE DAVID P. RUSH
Chief United States Magistrate Judge
Western District of Missouri